

COUNTY OF YORK

MEMORANDUM

DATE: May 30, 2003 (BOS Mtg. 6/17/2003)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Various proposed amendments to the County Code to bring it into conformance with state law

The 2003 General Assembly adopted several statutes, all effective as of July 1, which require modifications to the County code. The public hearings on four proposed ordinance changes, dealing only with amendments mandated by state law have been combined into a single public hearing at the Board's request. The proposed ordinance amendments are summarized as follows:

1. Ordinance No. 03-14 amends County code § 10-2. That section sets out definitions applicable to the erosion and sediment control ordinances, and is proposed to be amended to change the definition of "land-disturbing activity" to be consistent with the statutory definition as amended by HB 2314, adopted by the 2003 General Assembly as Chapter 423. The change is with respect to one of the exemptions from the definition listed in subparagraph 12. The substance of the definition, frankly, appears to be largely unchanged, providing for an exception from the requirement for a land-disturbing activity permit for shore erosion control projects regulated by a local wetlands board, Marine Resource Commission, or the U. S. Army Corps of Engineers. The new statutory language adds, however, that any associated land outside of the area specifically exempted shall remain subject to local regulation.
2. Ordinance No. 03-15 is prompted by HB 1459 and SB 913 (adopted respectively as Chapters 966 and 827) which amend state code § 10.1-563 with respect to the requirement for the naming of an individual holding a state issued certificate of competence as having authority over land-disturbing activities. The statutory amendment indicates that the naming of such an individual is no longer a prerequisite to the issuance of a land-disturbing activity permit, but is required prior to the actual engagement in the permitted land-disturbing activities. The proposed amendment required to County code § 10-11 reflects the new statutory language.
3. Ordinance No. 03-21 reflects legislation adopted by the 2003 General Assembly (HB 2503) with respect to the organization of the Board of Equalization, prompting a change to County code § 21-15. The code no longer requires every member of the equalization board to be a resident freeholder. Instead, only a majority are required to be freeholders in the County. Other language shown added to § 21-15 is in accord with the statutory amendment.

4. Ordinance No. 03-18 reflects HB 2373, adopted by the 2003 General Assembly, which requires that any locality having adopted an ordinance requiring criminal background checks of certain job applicants shall require the applicant to submit to fingerprinting and to provide "personal descriptive information" to be forwarded to the Virginia Central Criminal Records Exchange to assist in the criminal record background check. The applicant must be required to pay for the cost of fingerprinting and the criminal record check and if the applicant is denied employment because of the results of the background check, the applicant must be so informed. The proposed amendment to County code § 2-4 simply repeats the new statutory language.

Barnett/3340:swb

Attachments

- Ordinance No. 03-14
- Ordinance No. 03-15
- Ordinance No. 03-18
- Ordinance No. 03-21